

Crime Laboratory Commission Meeting

January 24, 2013

College of Pharmacy Room 207

University of Rhode Island

7 Greenhouse Road

Kingston, Rhode Island

10:00 AM

In attendance were Attorney General Peter F. Kilmartin; Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; President David Dooley, University of Rhode Island; Dean Ronald Jordan, University of Rhode Island; John Grassel, Rhode Island State Police; Clay Choquette; Nancy Haley; Robin Smith, Rhode Island Department of Health Forensic Science Laboratory; Jane Northup Rhode Island State Crime Laboratory; Chief Paul King and Major Arthur J. Martins, Pawtucket Police Department.

I. INTRODUCTION

A. Welcome to Commission Members

Director Hilliard introduced Jane Northrop who is the Quality Assurance Officer of the RI State Crime Laboratory to the members. Mr. Coyne welcomed Attorney General Peter Kilmartin to his first meeting as The Chair of the Commission and thanked him for attending. President Dooley of University of Rhode Island entered and

was also introduced to the members of the Commission by Director Hilliard. The meeting was called to order at 10:00 AM by Mr. Coyne. Chief Paul King and Major Arthur J. Martins from Pawtucket entered at this point and were introduced to the members of the Commission by Director Hilliard. Chief King will be representing Rhode Island Police Chiefs' Association. Packets were passed out to each of the members of the Commission.

B. Approve Minutes of October 24, 2012

A motion was made to approve the minutes of the October 24, 2012 meeting by Gerald Coyne, Clay Choquette seconded. All were in favor and the minutes were approved.

II. FUNDING

A. Budget FY 2013

a. State Appropriation is \$858,820.00. In the packets that were distributed to each member there is a spread sheet which includes FY 2013 budget allocation, expenses, and balances in each category. At the halfway mark half of the funding has yet to be spent. This does not include large expenses such as the accrediting audit which will be performed in April/May of this year. This will cost approximately \$8,000.00.

b. Coverdell Grant FY 2012

Total amount awarded for FY2012 was \$14,291.25. This was a four way split between The RI State Crime Laboratory, RI DOH, RISP, and the ME Office. Last year we were awarded \$34,000.00

showing how much the Federal Government has cut back. This money is used for our Quality Assurance position and will alleviate the FY2012 deficit since the QA

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position is funded in the FY2013 budget. The award letter is waiting to be signed by URI Authority.

c. Byrne Grant FY 2012

We received a Byrne Grant from the Department of Public Safety Office in the amount of \$12,279.00. These funds are used to continue our NIBIN Technician which right now is a URI undergraduate student. The award letter is waiting to be signed by URI Authority.

1. AFIS Grant

We received an AFIS grant from Dave Ledoux last year in the amount of \$29,695 which was used to buy a new work station from Cogent. This gave us the ability to double our access to the AFIS system and has been in place since October, 2012. After our meeting on October 24, 2012, Director Hilliard received an email which stated that there was more money for the Laboratory which was a result of interest. Director Hilliard stated he called and asked how much money and was told between \$70 - \$80. The Grant which had been closed was then reopened. The money will be applied toward finger printing material expenses.

B. Budget FY 2014

a. State Appropriation

As mentioned in our October 24, 2012, two budgets were proposed. One was a level funded budget which was in the amount of \$880,000.00 and a target budget adding an additional \$300,000.00. The additional funds are needed for new instrumentation basically a new GC/MS and FTIR and also a request for two new FTE positions. One position is for a new Criminalist who will assist in trace and/or firearms and the other is for a full time IT Technician. The second budget request was for \$1,324,715.00. Director Hilliard had discussions with Mr. Bill Golas who is a senior budget analysis in the DOA and who oversees the Board of Governors money to the Governor's budget and he was interested in our request. He came down to the laboratory to take a tour and see what needed to be replaced. His visit proved to be beneficial in terms of him seeing exactly what the Crime Laboratory needed in terms of replacement equipment and staffing. Director Hilliard then had the opportunity to meet George Zainyeh, the Governor's Deputy Chief of Staff and his assistant Abby Swienton at the State House on 11/19/12. The purpose of this meeting was to sit down and explain the reasoning as to why the Crime Laboratory was asking for \$1.3 million dollars. They seemed to understand the needs, but then did ask if any requests had been made for Google funds. Mr. Zainyeh was told that a proposal was submitted to The Attorney General's office for additional funding and that as of this date no money was available and that there were no guarantees. The Governor's budget did increase funding to the laboratory for FY 2014 to \$1,027,327.00 which is about \$300,000.00 less than what was requested and 19% more than the previous year.

Dean Jordan then stated that in a presentation given by Linda Barrett from URI the previous day it seems there had been much discussion as to only allowing one new piece of equipment to be purchased, the FTIR, and to only fill one full time position or allowing the two positions but as part time employees only and next year to ask for additional money for the second piece of equipment needed and another FTE position. Another idea was that the IT position could be shared with another Department once

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the Laboratory knew exactly where they would be located and with whom they would be sharing space with. Director Hilliard explained that there is a problem with that idea relating to access as access to The Laboratory is restricted to only those working in The Laboratory. Director Hilliard then stated that he would follow-up on this.

C. OTHER SOURCES OF FUNDING

a. Proposal for Google Funds

A request was made to The Department of Attorney General for one million dollars which will be used for space modification, instruments and equipment purchases. As of this date the progress of this is not known. Gerald Coyne then stated that he wanted to clarify the situation for the record, and stated that as of this date none of the Google money has been spent because The Attorney General's Office

is in the process of assessing the needs within their own office, assessing exactly what each department needs. Despite what everyone has been told about Google money before the landscape change where DOJ told NP and EP they could use the money to support their own local police pensions, the reality is that change now will limit the amount of money available. There is still a lot of money out there and there are a lot of demands for it and it is just going to be competitive in terms of where the money goes. The Crime Laboratory is something that would benefit many people.

III: LABORATORY STATUS

A. Laboratory Progress Report

a. In the packet along with the spread sheets is a cover letter to The Attorney General and the annual report for The Laboratory for 2012. Comparisons were done and as stated previously 2011 was an exceptional year because of the backlog from 2010, due to the loss of two examiners because of budget constraints, making 2011 the highest case load ever with 812 cases. Comparing 2012 to 2011 is unfair, but if you compare 2012 to 2009 which is a more realistic comparison you can see that the laboratory is up 100 cases. Laboratory requests have gone up and the numbers of exhibits have gone up consistently throughout the last five years. Attorney General Peter Kilmartin asked if this number was cases submitted and Director Hilliard said yes the number is submitted cases not worked on cases. In looking over the annual report the report states that there has been a decrease from last year by about 3.8% and a

decrease in items submitted by about 14%.

Members of Laboratory are very active in the Community. A total of about 37 lectures not only on campus but outside have been given. Yesterday Director Hilliard stated that he was at the Cranston Rotary Club giving them a lecture on exactly what the crime laboratory does. These lectures are named CSI@URI. The Laboratory Staff has attended about 27 training programs which keep them abreast of new technology that is available. Training is kept to a minimal cost such as webinars, or partially funded programs which are supported by the agency hosting the seminars. The Laboratory continues to offer a course in Scientific Investigation for Police Departments. April 2012, 32 candidates graduated, and this year there are 32 enrolled in the course.

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Personnel in the Laboratory continue to hold several appointments on various National, Regional, and Local committees. The Laboratory was able to offer assistance to the Connecticut State Forensic Laboratory providing help with arson cases as part of their accreditation. The Boston Police Department was also assisted in comparison of firearm evidence. There was a weapon we had in Rhode Island and Boston had cartridges which matched up on the NIBIN system. Boston sent the cartridge cases to the Laboratory, analysis was done and they matched up very well. Also, The

Laboratory had an opportunity to help ICE with a fingerprint case.

b. Firearms Section update

Firearms Section shows a backlog of about 463 cases. Work continues to be done on reducing the back log of cases. Clay Choquette asked if cross referencing pieces of evidence with the Police Departments had been done. Director Hilliard then stated that letters were sent to each of the Police Chiefs last year from Gerald Coyne and that did eliminate some of the backlog. But Director Hilliard stated that if a weapon was involved, the weapon still has to be test fired and entered into the NIBIN system. The Commission did agree to have letters sent out yearly to the Chiefs of the Police Departments to see what cases are active and which are not.

c. Latent Print Section update

Latent print back log right now is 33 cases and compared to last year it was 40.

Ed Downing, one of the latent print analysts, has provided notice that he intends to retire in January, 2015

d. Trace Section Update

Backlog is 24 cases. Trace and latent examiners assisted Charlestown Police Department in processing a vehicle from a hit and run case.

B. Laboratory Personnel Badges and Commissions

At this point in time the badges have been approved by the Commission, but have not been ordered.

C. ISO/IEC Accreditation

We are expecting an onsite visit April/May, 2013. We have made the request but no definite date has been set. This will cost approximately \$8,000.00. At least two sections of the laboratory will be reviewed and we expect the firearm section will be reviewed since it was not during the last audit.

D. Space Allocation

Discussions have been made at the University Planning Office. President Dooley said that a final decision has not been made as of this date. Director Hilliard thought that a decision had been made to move the Laboratory to the West Kingston facility by the summer of 2013. President Dooley said as far as he knew recommendations had been made but were not finalized, as there were more issues that needed to be worked out. In the packets Director Hilliard had a diagram of

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the building in West Kingston which had a floor plan of the building and then a comparison chart as to what the Laboratory was looking for in the basement of the Fogarty Building. When comparing both locations each had pros and cons. Director Hilliard said he was told to start planning for the move and President Dooley said that seemed fair as the finalization

issues were dependent on additional conversations with Director Hilliard such as workable space, parking. One of the other things that needed to be approved was to make sure that the work that needed to be done would be manageable in terms of cost prospective and something that the University could do.

IV. NEW BUSINESS

A. Budget Process FY2014 & 2015

We have already discussed 2014 in terms of what has been requested. There will be hearings on this and the final decision will be made by the House Finance and The General Assembly. It was discussed that if Director Hilliard needed any type of support from The Commission that he should let The Commission know. For FY2015 a potential budget has been submitted which is backed up by the 2014 and we are requesting about \$200,000.00 more. This will ultimately change depending on what is allocated for 2014. Will work with URI on this.

B. Legislation Reappointment of the Director and Proposed Language Change

a. §12-1.2-5 Director of State Crime Laboratory

The Directors position is a term limited position. In 2008, The Commission addressed the issue and consulted with URI and in June 2008, Dean Jordan recommended that Director Hilliard be re-appointed to a five year term, which means that the term will be up June, 2013. The language states that the University appoints and the

Commission approves. The Commission did approve this recommendation at a meeting held June 5, 2008 where in Dean Jordan made the recommendation to reappoint Mr. Hilliard to Director of the RI State Crime Laboratory and this was accepted by Gerald Coyne and seconded by Chief Kelley. The reappointment at that time should have been May 2005; however, the Commission was unable to meet due to lack of quorum resulting from passage of the “Separation of Powers” legislation. Therefore the reappointment became effective June 5, 2008, and will expire June, 2013.

b. § §12-1.2-6(b)

The Director and all other positions of the state crime laboratory shall be considered limited appointment positions of the board of governors for higher education and shall be subject to all employment policies, practices, and procedures of the board of governors for higher education and the University of Rhode Island. By having the positions listed as “limited positions” when we advertise for a position it seems to discourage applicants from applying. We saw this problem when the laboratory was doing a job search for the Firearms Section. There were interested applicants but when told that the position was only good for a year and then they would have to be reappointed this discouraged them. There are sectional law changes that were created back when The Laboratory was funded through the AG Office. It made everyone who worked in the Laboratory a limited period appointment under The Board of Governors. This was because the University treated the budget as a grant from another outside agency. This means

that every year new paper work has to be done to reappoint the members of the Laboratory based on funding. With the movement of the budget directly under URI through the Board of Governors we sought last year to change that language to remove the limited title from it. Language change was discussed last year to remove the "limited "language but nothing was done. In conjunction BOG would need to be changed to the Education Department also. President Dooley then stated that this is a very critical issue as there are probably fifty statutes that need to be amended by the General Assembly. He then asked that a draft be proposed and that URI would check with the Governor's office to tabulate all the state statutes that need to be amended. Director Hilliard then stated that he thought the language had been drafted last year, but it just did not get introduced. President Dooley then instructed Director Hilliard to work with Carrie Bennett.

c. Dean Jordan Farewell

At this point of the meeting Mr. Coyne wanted to say on behalf of the Commission that he learned over Christmas that Dean Jordan would be leaving. He then stated that it is his fifteenth year on the Commission and that the Crime Laboratory has never run any better and that this could not have been done without the leadership of Dean Jordan. Mr. Coyne also stated that it had been a pleasure

working with Dean Jordan and that the Laboratory has a bright future and much of the credit for that goes to the Dean. Mr. Coyne wanted to thank Dean Jordan for all his help and direction in helping the management of the Laboratory run smoothly. Dean Jordan then thanked The Commission. Director Hilliard also stated how Dean Jordan has been very supportative of the Laboratory and that he is sorry to hear that he is leaving, but knows that he has a great opportunity.

Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 10:45 AM

Minutes taken and transcribed by:

Monica A. Nason, Department of Attorney General